

REMARKS

Status of claims:

Claims 1, 5-8, 15, 17-30, 32-34, 36-45 and 48-73 are pending. Claims 5-8 and 51-62 are withdrawn as drawn to non-elected inventions. Claims 1, 15, 17-30, 32-34, 36-45, 48-50 and 63-73 are under consideration.

The Action indicated that claim 14 is still pending. However, a review of the file history indicates that claim 14 was canceled in the office action filed on June 20, 2008, as duplicative with amended claim 1.

Claim Amendments

Claim 32 is amended to delete recitation of limitation (c)(ii), concerning “a water-solubilizing moiety selected from the group consisting of ethylenediaminetetraacetic acid (EDTA), diethylenetriaminepentaacetic acid (DTPA), triethylenetetraminehexaacetic acid (TTHA), benzyl-DTPA, 1,4,7,10-tetraazacyclododecane-N,N',N",N""-tetraacetic acid (DOTA), benzyl-DOTA, 1,4,7-triazacyclononane- N,N',N"-triacetic acid (NOTA), benzyl-NOTA, 1,4,8,11-tetraazacyclotetradecane-1,4,8,11-tetraacetic acid (TETA) and N,N'-dialkyl substituted piperazine,” which the Action points out is inconsistent with the chemical structure of the linker shown at the end of the claim.

Claim 32 is further amended to recite a “water soluble” chemotherapeutic moiety. The amendment is supported in the Specification at least in Example 2, which uses CPT-11 that is known in the art to be a water-soluble camptothecin derivative. Claim 32 is further amended to replace “aspartate” and “glutamate” with “aspartic acid” and “glutamic acid”.

Applicant submits that no new matter is added by the amendment.

Rejection of claims under 35 U.S.C. 112, 2nd Paragraph

Claim 32 was rejected under 35 U.S.C. 112, 2nd paragraph, on the grounds that the chemical structure shown in claim 32 does not appear to include a “water-solubilizing moiety selected from the group consisting of ethylenediaminetetraacetic acid (EDTA),

diethylenetriaminepentaacetic acid (DTPA), triethylenetetraminehexaacetic acid (TTHA), benzyl-DTPA, 1,4,7,10-tetraazacyclododecane-N,N',N'',N'''-tetraacetic acid (DOTA), benzyl-DOTA, 1,4,7-triazacyclononane- N,N',N''-triacetic acid (NOTA), benzyl-NOTA, 1,4,8,11-tetraazacyclotetradecane-1,4,8,11-tetraacetic acid (TETA) and N,N'-dialkyl substituted piperazine,” as recited in the previously pending version of claim 32(c)(ii). Applicants thank the Examiner for pointing out the discrepancy. That limitation has been deleted from claim 32(c)(ii).

Claim 32 is further amended to recite a “water soluble” chemotherapeutic moiety. Applicants respectfully submit that the meaning of the term would be clear to the skilled artisan. Therefore, Applicants submit that amended claim 32 satisfies the requirements of 35 U.S.C. 112, 2nd paragraph.

Conclusion

In conclusion, Applicant respectfully submits that the pending claims as amended are all in condition for allowance and an early decision to that effect is requested. Claims 1, 15, 17-30, 33-34, 36-45, 48-50 and 63-73 were indicated by the Action as in condition for allowance. In the event that the amendment of claim 32 does not place all pending claims in condition for allowance, Applicants request the courtesy of a telephonic interview to discuss amendments which might put all claims in condition for allowance.

Respectfully submitted,

Dated: February 19, 2009

/Richard A. Nakashima/
Richard A. Nakashima
Reg. No. 42,023
Phone: 303-828-4924